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Preventing Terrorist Attacks on America's Chemical Plants  
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Good afternoon Chairman Lungren, Ranking Member Sanchez, and members of the committee. My name is Sal DePasquale and I have specialized in security for over 25 years with experience in chemical plants, industrial facilities, a range of government facilities including Department of Energy facilities and many others.

I thank the chair for inviting me to speak with you today and allowing me an opportunity to share my observations relative to the security posture of chemical plants in our country and on the security of those industrial facilities that procure and utilize those chemicals.

Over the past 25 years my career in security has provided me with an opportunity to view the industry from many vantage points as a security consultant, a system design engineer, a corporate security manager and as an academician. My comments today represent the cumulative span of my experience.

There are three central points that I wish to make:

1. Although not the focus of this hearing, it is imperative that consideration be given to the antagonisms that underlie the actions of our adversaries. To be sure, if the antagonisms are not addressed, the adversary will continue to attack, exploiting even the most remote vulnerabilities, taking greater risks and using bolder and more profound techniques for attack. The most thoughtful and comprehensive security programs may not be able to withstand the dedication of the adversary.
2. Even if the source of antagonism is diligently confronted, there is still a substantial need to address our degree of vulnerability. Today there is little resistance to an adversary using modest techniques for attack. Indeed, it may be argued that inner city liquor stores are better protected than are the facilities that manufacture and use highly toxic and lethal chemicals.

It is certainly true that we can not inoculate ourselves against an attack, but surely we can do better than the mediocre and ineffectual practices that exist today. It is no secret that our industrial facilities are not prepared to defend against an armed assailant. Consequently an adversary can reach a target using little more than a Saturday night special. Although industry claims it has invested considerably in security since September 11, the investments have been little more than window dressing. Indeed, the most sophisticated and costly camera systems can not stop an armed assailant and may produce little more than material for use on the 11 o'clock news.

Substantive security upgrades will require the following:

- Construction of formidable property barriers
- Application of sophisticated intrusion detection systems
- Deployment of a trained and properly equipped security force for response to prevent the adversary from reaching the target.

In my viewpoint, anything less is simply to demonstrate some action, however ineffectual.

In a sense industry has been fortunate in that the adversary has used his skills to attack symbols of America. If the adversary alters strategy and attacks middle class America, industry may well be the next element of commerce that will be transformed into a weapon.

Before we have a catastrophe that renders September 11 pale in comparison, I believe there are actions we may take to reduce our vulnerability to attack. I believe we need regulations. The legislation drafted by Senator Inhofe was rather promising. I would like to see it modified to require use of the physical security effectiveness tools developed by Sandia National Laboratories and I would like to see it include criminal penalties for corporate officers who fail to comply. In any event, I believe there are mechanisms available to avert a catastrophe, but it is imperative that regulation provide the foundation.

Having worked with the American Chemistry Council and the American Institute of Chemical Engineers in developing guidelines, I am well aware of industry's argument that it can regulate itself. However, I also know they are quick to say that they do not want to issue prescriptive standards and prefer the softer and gentler method of promulgating guidelines that do not require substantive actions. In my estimation, if the industry will not issue substantive standards, it can not say that it is self regulating. It is simply a contradiction in terms.

3. The final point that I wish to make concerns emergency response preparedness. Across the country first responders have been scurrying to prepare for the threat of terrorism. That preparedness, however, has been couched within the paradigm of traditional exposures.

When I am teaching first responders, I ask them how prepared they are for a chemical event. Typically the response is that they are making great progress. They will tell me that they have x number of people trained to technician level one and x number to level two and so on. I will then suggest to them that the training they described is aimed at industrial accidents, not a terrorist attack. Indeed, response training and response protocols are geared for industrial level accidents. First responders are trained to contain a release, plugging holes in a leaking vessel and such.

It is reasonable to project that a terror attack will not produce a leaking vessel, but instead will result in a ruptured vessel, completely unzipped. Within this context, there will not be any holes to plug. The magnitude of the release will quickly exceed the emergency response protocols and will likely result in injury to first responders.

The scenarios contemplated for upgrading preparedness are not consistent with what may be anticipated. Our first responder community needs to focus on their protocols within the context of a terror attack.

Moreover, there is much lip service being paid to the new spirit of cooperation. At best, assorted agencies have conducted meetings to discuss the need for planning and then they go off individually and plan within the confines of their individual silo. It simply can not go on this way, if we are to be successful.

In January this year, in Graniteville, South Carolina a railroad tanker carrying chlorine was involved in an accident that resulted in over half of its contents released into the atmosphere over a four day period. Two first responders and several residents were killed.

According to Georgia and South Carolina emergency management officials, the death toll could have been substantially higher. The area is sparsely populated and the material leaked out over several days. A massive rupture of a tanker in a highly populated area would produce a tragedy beyond imagination.

Although the accident was relatively contained, it is exemplary of the lethal potential of industrial chemicals.

Immediately after September 11, Senator Corzine and others put forth legislation to secure hazardous materials. The merits of the legislation may be debated, but it was an initial response to an obvious vulnerability. The chemical industry balked at the idea and argued that it could regulate itself more efficiently and effectively; ultimately killing the Corzine legislation.

The chemical industry regulates itself by way of the American Chemistry Council's Responsible Care program. This program includes guidelines for member companies to embrace to demonstrate responsible management of hazardous substances.

In regulating itself, however, the chemical industry says it does not want to produce prescriptive standards; it wants only to issue guidelines and best practices. It is very careful not to produce prescriptive standards for fear that the member companies might balk and because failing to comply with the standard would have legal implications.

Without prescriptive standards, however, there can be no self regulation. The result of guidelines and nice sounding best practices is to create a smoke and mirrors exercise that makes it appear that something serious is being accomplished, when it, indeed, is not.

The issue of security is no exception. In response to September 11, the ACC required its members to conduct a vulnerability analysis. This is a noteworthy exercise, but it does not require the companies to actually do anything in response to the analysis nor does it establish any minimum standards for defense against the most obvious exposures. Indeed, it is another exercise in smoke and mirrors; makes it seem like something substantive is occurring, when it is not. There are some additional requirements beyond the vulnerability analysis such as it is mandatory to have management support, but these additional items are innocuous.

DePasquale

Fundamentally, the standard should be sufficient security to withstand an attack by an armed adversary intent on using hazardous materials for mass casualties. As it is, an adversary with a six shooter can defeat the security of most facilities.

I thank you for this opportunity to testify, and I look forward to answering any questions you may have.